

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Stevens Point Field Office

Saint Paul District

FILE NUMBER:

MVP-2004-160831-MOK

REGULATORY PROJECT MANAGER:

Michael F. O'Keefe

Date: 11/15/04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Yes

Date: 11/15/04

At the project site (Y/N)

Yes

Date: 8/26/04

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Vilas

Center coordinates of site by latitude & longitude coordinates:

Lat 46.0040879 /Long -89.2280394

Approximate size of site/property (including uplands) in acres

40

Name or waterway of watershed: Wisconsin River

unnamed wetland

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary Or X Approved**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

A site visit was conducted on 8/26/2004. The wetland affected by this project is located on 3 parcels of land and was determined to be a sedge meadow wetland. The wetland was approximately 1 acre in size. The applicants project would be on the extreme westerly edge of the wetland. It would impact 750 square feet. It will not have an adverse impact on this wetland

The no jurisdiction determination was determined by an on-site review, and by examining the U.S.G.S. quadrangle, WDNR wetland inventory, and NRCS soil survey maps. This data indicated that there was no surface water connection to navigable or inter-state aquatic resource areas. There are other isolated wetlands on this property, but would not be impacted by the applicants project.